

**Appl. No.** : **10/017,920**  
**Filed** : **December 11, 2001**

### **REMARKS**

As a result of the amendments set forth above, Claims 2-6, 8-11, 20-21, 23-28 and 30-32 remain pending. Claim 26 has been amended and new Claim 32 has been added.

In the Office Action mailed June 6, 2005, the Examiner allowed claims 2-6, 8-11, 20 and 21. Claim 26 was objected to and claims 23-25, 27, 28, 30 and 31 were rejected as being anticipated by Turley (US 4,892,543).

#### Claim Rejections

Applicant respectfully disagrees with the rejections. Independent claim 23 recites, among other things, the “anterior optic and posterior optic being separated by a greater distance in the accommodated state than in the unaccommodated state.” Turley’s lens does the exact opposite. As discussed at column 4, lines 39-54, during accommodation, the membrane 86 moves toward the surface 50 until they touch as shown in Figure 6. Thus, the present claim language fully distinguishes Turley and Applicant respectfully requests that the rejection be reconsidered and withdrawn.

The Examiner also indicated that the words “anterior” and “posterior” were statements of intended use, such that the posterior optic of Turley could be considered an anterior optic and the anterior optic of Turley could be considered a posterior optic. Applicant respectfully disagrees with the Examiner’s position that “anterior” and “posterior” are statements of intended use. Indeed, if the optics of Turley were reversed, the device would be inoperable in the sense that it would not function for its intended purpose. See: In re Gordon, 221 USPQ 1124, 1127 (Fed. Cir. 1984); M.P.E.P. § 2143.01. Thus, Applicant submits that the words anterior and posterior serve to further distinguish Turley from the device defined by claim 23.

The Examiner objected to dependent claim 26, but indicated that it would be allowable if rewritten in independent form. Applicant has redrafted this claim in independent form, and therefore submits that it is in condition for allowance.

Applicant has also added new claim 32, directed to a method of implanting a lens.

#### Amendments to Drawings and Specification

Applicant submits herewith replacement drawing sheets 20 and 46 to correct errors made in preparing the formal drawings. This application was originally filed with informal drawings.

Appl. No. : 10/017,920  
Filed : December 11, 2001

Due to an inadvertent error in the formal drawings that were later submitted, the formal drawings of Figures 18 and 39B did not match the informal drawings of Figures 18 and 39B as filed. The drawings of Figures 18 and 39B set forth in the enclosed replacement drawing sheets 20 and 46 properly match the drawings of Figures 18 and 39B as filed.

The textual descriptions of Figures 18 and 19 contain a minor, obvious error in paragraph 0112 (set forth above), in that the angles shown at the bottom of the lens system of Figures 18 and 19 are described as being substantially equal. Obviously, they are not. Indeed, the remainder of the description makes it abundantly clear that what is being described is a lens having asymmetry as viewed from the side, and that is exactly what the Figures depict. The correction to the specification made herein properly describes the angles as being unequal, and makes the last sentence of paragraph 0112 consistent with the other text that describes Figures 18 and 19, as well as with the Figures themselves.

#### Support for Amendments Presented Herein

Descriptive support for the claim amendments and new claims presented herein may be found in at least the following portions of the specification. Please note that this identification of descriptive support is not intended to be exhaustive with respect to any of the claims. Rather, the following identification is intended merely to demonstrate sufficient descriptive support to satisfy section 112, paragraph 1, and the claims may find support in Applicant's lengthy specification in portions other than those identified. (All figure and paragraph numbers refer to the application as published (no. 2002/0116057 A1).)

Claim 26: Figs. 3-17, 17.4; paras. 0083-0090, 0105, 0110

Claim 32: Figs. 3-17, 17.4; paras. 0083-0090, 0105, 0110

Drawings & Specification: (see discussion above)

Appl. No. : 10/017,920  
Filed : December 11, 2001

Identification of Co-Pending Applications

In response to the Examiner's request, Applicant submits herewith a list of commonly-owned co-pending applications and issued patents that include at least some subject matter that is generally similar to that claimed in the present application.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 5, 2005

By: Mark J. Kertz

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**Appl. No.** : **10/017,920**  
**Filed** : **December 11, 2001**

### **AMENDMENTS TO THE DRAWINGS**

See corrections to Figs. 18 and 39B set forth in the replacement drawing sheets 20 and 46 submitted herewith. The application was originally filed with informal drawings. Due to an inadvertent error in the formal drawings that were later submitted, the formal drawings of Figures 18 and 39B did not match the informal drawings of Figures 18 and 39B as filed. The drawings of Figures 18 and 39B set forth in the enclosed replacement drawing sheets 20 and 46 properly match the drawings of Figures 18 and 39B as filed.



Docket No.: VGEN.005A

Customer No. 20,995

Applicant : Ting et al.  
Appl. No. : 10/017,920  
Filed : December 11, 2001  
For : OPTIC CONFIGURATION FOR  
INTRAOCULAR LENS SYSTEM  
Examiner : Paul Prebilic  
Group Art Unit : 3738

**NOTICE REGARDING COPENDING APPLICATIONS (COMMONLY OWNED WITH  
THE PRESENT APPLICATION)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's request in the Office Action mailed June 6, 2005 for identification of copending applications, Applicant submits the following list.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>	<u>Inventors</u>	<u>Attorney Docket No.</u>
10/020,853	12/11/01	Accommodating Intraocular Lens System	Zadno-Azizi, et al.	VGEN.001A
10/207,708	07/25/02	Method of Preparing an Intraocular Lens for Implantation	Zadno-Azizi, et al.	VGEN.001CP1
10/207,718	07/25/02	Single-Piece Accommodating Intraocular Lens System	Zadno-Azizi	VGEN.001CP2
10/207,701	07/25/02	Accommodating Intraocular Lens System With Separation Member	Nguyen	VGEN.001CP3

**Appl. No.** : 10/017,920  
**Filed** : December 11, 2001

**Docket No.** VGEN.005A  
**Customer No.** 20,995

10/207,717	07/25/02	Materials for Use In Accommodating Intraocular Lens System	Zadno-Azizi, et al.	VGEN.001CP5
10/877,778	06/25/04	Distending Portion for Intraocular Lens System	Zadno-Azizi, et al.	VGEN.004C1
10/021,797	12/11/01	Materials for Use in Intraocular Lens System	Zadno-Azizi, et al.	VGEN.006A
10/877,513	06/25/04	Hydraulic Configuration for Intraocular Lens System	Nguyen, et al.	VGEN.008C1
10/020,002	12/11/01	Method of Implanting an Intraocular Lens System	Zadno-Azizi, et al.	VGEN.010A
10/987,683	11/12/04	Method of Implanting and Intraocular Lens System	Zadno-Azizi, et al.	VGEN.010C1
11/057,705	2/14/2005	Biasing System for Intraocular Lens	Nguyen, et al.	VGEN.038A
11/195,422	8/1/2005	Accommodating Intraocular Lens System With Aberration-Enhanced Performance	Nguyen, et al.	VGEN.040A
11/080,031	3/15/2005	Method of Preparing an Intraocular Lens for Implantation	Zadno-Azizi, et al.	VGEN.1CP1DV1

Appl. No. : 10/017,920  
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Docket No. VGEN.005A  
Customer No. 20,995

**COMMONLY OWNED PATENTS**

The following commonly owned issued patents set forth subject matter similar to the claims of the present application:

6,761,737

6,764,511

6,786,934

6,818,158

6,846,326

6,858,040

6,884,261

6,899,732

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 5, 2005

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